

Appl. No. 09/917,505
Atty. Docket No. CM2016MC
Amdt. dated April 7, 2004
Customer No. 27752

REMARKS

Claim 1 has been amended to claim an adhesive comprising, *inter alia*, an adhesive formed from a polymer that is at least partially cross-linked during polymerization by low energy radiation. Support for the current Amendment to Claim 1 is found in the Specification on page 17, lines 5-7, and page 38, lines 20-21, as originally filed. No new matter is presented in the current Amendment to Claim 1. Claims 1-14 and 19 remain in this Application and are presented for the Examiner's reconsideration in light of the above Amendments and the following comments.

Rejections Under 35 U.S.C. §102/§103

Claims 1-11, 13, and 14 have been rejected under 35 U.S.C. §102(a) or, in the alternative, under 35 U.S.C. §103(a) over Cinelli, et al., WO 98/28014. Claims 1-11, 13, and 14 have been rejected under 35 U.S.C. §102(a) or, in the alternative, under 35 U.S.C. §103(a) over Cinelli, et al., WO 98/28021. Previous arguments made with respect to both *Cinelli* references remain in effect but will not be repeated for the sake of brevity. The Examiner is respectfully requested to consider the following additional arguments that distinguish Applicants' claimed invention over the cited prior art:

1. As now presented in Claim 1 by Amendment, Applicants claim an adhesive for a disposable human waste management device comprising, *inter alia*, an adhesive formed from a polymer that is at least partially cross-linked **during polymerization** by low energy radiation.
2. Both *Cinelli* references are silent with respect to providing at least partial cross-linking of the polymer during polymerization to form an adhesive. In order to provide an adhesive having Applicants' claimed water absorption capacity, physical cross-linking must be done prior to formation of the adhesive.
3. This is exemplified in Dr. Goldman's Declaration provided pursuant to 37 C.F.R. §1.132 in Applicants' response dated November 25, 2003. Dr. Goldman states, "Chemical crosslinks are not considered by the '014 and '021 references to be essential for obtaining the requisite values of the aforementioned moduli." Dr. Goldman goes on to state that, "In stark contrast [to the cited prior art], the adhesives for attachment to the skin disclosed and claimed by the instant Application are characterized primarily by their ability to adhere to skin under moist and wet skin conditions and their ability to maintain adhesive peel strength even under exposure to excess water. In large contrast to the cited prior art, the adhesives of the instant Application are able to absorb moisture from the wet skin and be able to sufficiently minimize the impact of this moisture absorption on the intrinsic characteristics of the adhesive (e.g., the aforementioned elastic and viscous moduli) that impact the peel strength." Dr. Goldman goes on to conclude that, "In the instant Application, it is the stability

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and insensitivity of the crosslinks to an increase in the moisture content of the adhesive that are essential to sufficiently minimize the impact of moisture absorption on the intrinsic characteristics of the adhesive that impact peel strength. In recognition of this need, all of the adhesives in the examples of the instant Application are prepared via the use of low energy radiation (i.e., UV irradiation) in order to form chemical crosslinks that are stable in the presence of added moisture." Applicants respectfully believe Dr. Goldman's Declaration speaks for itself. Therefore, in light of Dr. Goldman's Declaration and Applicants' argument provided herein, the cited *Cinelli* references fail to teach, disclose, or suggest each and every element of Applicants' claimed invention. Thus, Applicants respectfully request withdrawal of the Examiner's 35 U.S.C. §102(b) and 35 U.S.C. §103(a) rejections with respect to Claims 1-14 and 19 of the instant Application over both cited *Cinelli* references.

Conclusion

Based on the foregoing, it is respectfully submitted that each of Applicants' remaining claims is in condition for allowance and favorable reconsideration is requested.

This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512, and no fee is believed due. However, if any additional charges are due, the Examiner is hereby authorized to deduct such charge from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,

CINELLI, ET AL.

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